

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

<b>Serial Number</b>	10/662,574
<b>Confirmation Number</b>	9730
<b>Filing Date</b>	09/15/2003
<b>Title of Application</b>	Measurement-Based Construction of Locality-Aware Overlay Networks
<b>First Named Inventor</b>	XinYan Zhang
<b>Assignee</b>	Microsoft Corporation
<b>Group Art Unit</b>	2457
<b>Examiner</b>	MARSHALL M MCLEOD
<b>Attorney Docket Number</b>	MS1-2722US
<b>Nature of the Office Communication to which this is responding</b>	Final Office Action
<b>Date of the Office Communication</b>	11/26/2008
<b>Nature of this Document</b>	Response to Final Office Action Filed with an RCE

To:        Commissioner for Patents  
            P.O. Box 1450  
            Alexandria VA 22313-1450

From:     Ningning Xu    (Tel. 509-944-4726; Fax 509-323-8979)  
**Customer No. 22801**

**Brief Summary of Selected Substantive Portions of this Response**

**[0001]**      In a telephone discussion on February 19, 2009, Examiner McLeod and the representative for the Applicant discussed distinctions between cited references and claims, pending rejections under 35 U.S.C. §§ 102, 103 and 112, and possible claim amendments highlighting several differences. Amendments are presented herein based on the discussion with the Examiner.

**[0002]** This brief summary is not intended to represent the Applicant's full response to the Action. Rather, it is merely a brief summary of selected substantive portions of the response herein.

## **CLAIM AMENDMENTS**

### **Claim Amendment Summary**

#### **Claims pending**

- Before this Amendment: Claims 1-41.
- After this Amendment: Claims 1, 3-6, 8, 9, 18, 20-24, 32-34 and 42-43.

**Non-Elected, Canceled, or Withdrawn claims:** Claims 2, 7, 10-17, 19, 25-31 and 35-41.

**Amended claims:** Claims 1, 8, 9, 18, 21, 23 and 32.

**New claims:** Claims 42 and 43.

---